

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2023 ND 87

Timothy A. Johnson,

Plaintiff and Appellant

v.

City of Jamestown, a Municipality
in the State of North Dakota,

Defendant and Appellee

No. 20220283

Appeal from the District Court of Stutsman County, Southeast Judicial
District, the Honorable Cherie L. Clark, Judge.

AFFIRMED.

Per Curiam.

Timothy C. Lamb, Grand Forks, N.D., for plaintiff and appellant.

Brian D. Schmidt (argued) and Scott K. Porsborg (on brief), Bismarck, N.D.,
for defendant and appellee.

Johnson v. City of Jamestown
No. 20220283

Per Curiam.

[¶1] Timothy Johnson appeals from a judgment dismissing his personal injury action against the City of Jamestown entered after a jury found he did not sustain a serious injury as a result of a motor vehicle collision with a City-owned vehicle. Johnson argues the district court erred in admitting and excluding evidence, the district court judge should have recused herself, and his due process rights were violated. We conclude the district court did not abuse its discretion in admitting and excluding evidence and Johnson is precluded from raising the recusal and due process issues for failure to raise them in the district court. *Franciere v. City of Mandan*, 2020 ND 143, ¶ 24, 945 N.W.2d 251 (“Because alleged judicial bias was not raised in the district court, we will not address it for the first time on appeal.”); *Matter of Didier*, 2019 ND 263, ¶ 11, 934 N.W.2d 417 (concluding that appellant’s failure to raise constitutional due process issue in the district court was sufficient for this Court to decline review on appeal). We summarily affirm under N.D.R.App.P. 35.1(a)(4) and (7).

[¶2] Jon J. Jensen, C.J.
Daniel J. Crothers
Lisa Fair McEvers
Jerod E. Tufte
Douglas A. Bahr